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APPLICATION NO.	ENO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,748	02/08/2002		Noah Nichelson	017201-045900US	2982
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TOWNSEN TWO EMBA		OWNSEND ANI CENTER	HOFFMANN, JOHN M		
EIGHTH FL		5 02111211	ART UNIT	PAPER NUMBER	
SAN FRANCISCO, CA 94111-3834				1731	

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailling date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). □ A Notice of Appeal was filled on Appellant's Brief must be filled within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. □ The proposed amendment(s) will not be entered because: (a) □ they raise new issues that would require further consideration and/or search (see NOTE below); (b) □ they raise the issue of new matter (see Note below); (c) □ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) □ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3.□ Applicant's reply has overcome the following rejection(s): 4.□ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendmen canceling the non-allowable claim(s). 5.□ The a)□ affidavit, b)□ exhibit, or c)□ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \$\frac{See Continuation Sheet}{2}\$. 6.□ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7.□ For purposes of Appeal, the proposed amendment(s) a)□ will not be entered or b)□ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) withdrawn from consideration: Claim(s) withdrawn from consideration: Sohn Hympton 9 - M - O - Pothers		A 1: 4: N1	4 44 44 3				
Examiner John Hoffmann John Hoffmann -The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 02 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCC) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] a) The period for reply expires of moths from the mailing date of the final rejection. b) The period for reply expires or (1) the mating date of the Individual or the period for reply expires or (1) the mating date of the Individual or Individual Order Individual or Individual or Individual Order Individ			, , , , ,				
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a) The period for reply expires 4_months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the studutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. See MPPP Extensions of time may be obtained under 37 CFR 1.136(a). The dation which the period months of the appropriate extension for have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any search patent term digitatemet. Sea 37 CFR 1.704(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2.	Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appear	void abandonment of this applice 1) a timely filed amendment whi	cation. A proper reply to a chiple ch				
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			John Hyffmynn 9 - 14-04				

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03) Continuation of 5. does NOT place the application in condition for allowance because: The arguments are not convincing. It is argued that there is a "surprising finding" - the relevance of such is not understood - if there is any evidence which demonstrates a new and unexpected result, such will be considered. Examiner is not aware that "surprise" is a patenable consideration. The fact that Benker does not explicitly mentioned the amount of water used is not overly important - finding the optimal amount of water is a matter of routine experimentation. There is no requirement that the motivation be based on having a higher than expected green strength - as Applicant seems to suggest; any sort of motivation is sufficient to establish a prima facie showing of obviousness. Furthermore, the claims can be met in another way: Benker has a 9.6% solution which reads on applicant's broad "about 10 wt%" liquid; there is no separate starch addition - thus it is 0% which is "about 0.01wt%". It is noted that applicant's carbon of the SiC does not contribute to the C of the "carbon source" - therefore it is reasonable that the starch of the "liquid" need not contribute to the starch of the "starch".